

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

POW! ENTERTAINMENT, LLC,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS, et
al.,

Defendants.

Case No. 21-cv-5347

Judge Thomas M. Durkin

**Magistrate Judge M. David
Weisman**

PRELIMINARY INJUNCTION ORDER

Plaintiff POW! ENTERTAINMENT, LLC (“Plaintiff”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the domain names identified in Schedule A (the “Defendant Domain Names”) and the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS Plaintiff’s Motion in part as follows.

This Court finds Plaintiff has provided notice to Defendants in accordance with the Temporary Restraining Order entered October 26, 2021, [Dkt. No.] (“TRO”), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

consumers in the United States, including Illinois. Specifically, Plaintiff has provided a basis to conclude that Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer shipping to the United States, including Illinois, and have sold products using infringing and counterfeit versions of Plaintiff's federally registered trademarks (the "Stan Lee Trademarks") to residents of Illinois. [In this case, Plaintiff has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can and do purchase products using counterfeit versions of the Stan Lee Trademarks. *See* Docket Nos. 11-17, which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the Stan Lee Trademarks.]

This Court also finds that the injunctive relief previously granted in the TRO should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Plaintiff's previously granted Motion for Entry of a TRO establishes that Plaintiff has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has proved a *prima facie* case of trademark infringement because (1) the Stan Lee Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use any of the Stan Lee Trademarks, and (3) Defendants' use of the Stan Lee Trademarks is

causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Plaintiff. Furthermore, Defendants' continued and unauthorized use of the Stan Lee Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. Accordingly, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be preliminarily enjoined and restrained from:
 - a. using the Stan Lee Trademarks or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Stan Lee product or not authorized by Plaintiff to be sold in connection with the Stan Lee Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Stan Lee product or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the Stan Lee Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff; and
 - d. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner,

products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's trademarks, including the Stan Lee Trademarks, or any reproductions, counterfeit copies, or colorable imitations.

2. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
3. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, and the domain name registrars, including, but not limited to, GoDaddy Operating Company LLC, Name.com, PDR LTD. d/b/a/ PublicDomainRegistry.com, and Namecheap Inc., within seven (7) calendar days of receipt of this Order or prior to the expiration of this Order, whichever date shall occur first, shall disable the Defendant Domain Names and make them inactive and untransferable until further order by this Court.
4. Upon Plaintiff's request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc., AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc., ContextLogic Inc. d/b/a Wish.com ("Wish.com"), and Dhgate (collectively, the "Third Party Providers"), shall, within seven (7) calendar days after receipt of such notice, provide to Plaintiff expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:

- a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
 - b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and
 - c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Inc. ("PayPal"), Alipay, Wish.com, Alibaba, Ant Financial Services Group ("Ant Financial"), Amazon Pay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon Plaintiff's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Plaintiff Trademarks.

6. Any Third Party Providers, including PayPal, Alipay, Alibaba, Ant Financial, Wish.com, and Amazon Pay, shall, within seven (7) calendar days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the e-mail addresses identified in Exhibit 2 to the Declaration of Gill Champion, and any e-mail addresses provided for Defendants by third parties; and
 - b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.
7. Plaintiff may provide notice of the proceedings in this case to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Pleadings, this Order, and other relevant documents on a website and by sending an e-mail with a link to said website to the e-mail addresses identified in Exhibit 2 to the Declaration of Gill Champion and any e-mail addresses provided for Defendants by third parties. The Clerk of the Court is directed to issue a single original summons in the name of "2013youyayishen and all other Defendants identified in the Operative Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. Plaintiff's Complaint [Dkt. No. 1], Schedule A to the Complaint [Dkt. No. 7], Exhibit 2 to the Declaration of Gill Champion [Dkt. Nos. 11-17], and the TRO [Dkt. No. 22] are unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.
10. The \$10,000 bond posted by Plaintiff shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:



Thomas M. Durkin
United States District Judge

Dated: 11/10/2021

Schedule A

No.	Defendant Name / Alias
1	2013youyayishen
2	aaor2063
3	findinandfindinand-0
4	gustia-4
5	mard61
6	monkeyfashtion888
7	nywybest
8	patsel_0
9	ququ2019
10	supermarket-one
11	tru-9394
12	wangshuanglsh-6
13	yamiyuan
14	zhangee8855
15	dsgdgsddfs
16	dsgerghte
17	JoseCook
18	E-A-M Store
19	kupao Store
20	MUTIAN03 Store
21	t-shirt02 Store
22	time3rd666 Store
23	WMVV Store
24	DelicacySupplies
25	FunoneToys
26	Summit Crafts Industrial Limited
27	Yiwu City Feimeng Jewelry Co., Ltd.
28	Yiwu Jutien Commodity Factory
29	1*6figure
30	abmartam0
31	adhariari0
32	allinonestore-24
33	almazza96
34	alway_be_with_you_amazing_store_for_you
35	amisoray-0
36	ardanzya-0
37	ast018

38	avelika
39	azgiant_power
40	backdragon22
41	bambanar0
42	c61wol-42
43	chiga_official_store*
44	convenientstore2017
45	coolqueenyc
46	dadudima_0
47	deriden-9
48	djfungshing
49	easy2buystore2010
50	erwinnur
51	evsha-de
52	ezonlinestore
53	feryon8
54	figuresky
55	goldcrafts
56	guoyun.232565
57	haiyanhuang2016-8
58	hotspet
59	huycanh-kt
60	jayahi-77
61	jczm2019store
62	jibjib-6
63	johawirawa_0
64	kalyankusumawat-0
65	kima_99
66	kingrtw
67	kittysohappy
68	kua_8088
69	lilipriharnat-0
70	liujue663wz
71	lux_perfume
72	mariamargareta.online.store
73	mazinger80
74	mellisatrurchmen
75	mini-makez
76	minifgs.store
77	mntvip
78	momnbabies

79	oncanvasart-4
80	one*day_bidder
81	one_sixth_toys
82	ozikik-2
83	popolove1124
84	qingze0030
85	qsid7906
86	ratm-id2015
87	rudderi0
88	sg.t736
89	slion-uk
90	srijati
91	suead-9
92	suen.2776
93	sultoaa0
94	sun.dream
95	thaiwitnystore
96	thekhuong-shop
97	tonycheung1965
98	toqo58
99	toyproptrader
100	toysfanzone
101	toysmodel*2019
102	truondinh_t_0
103	tungteng_store
104	unicornshop129
105	unsutr-0
106	vanard8
107	vino1981-5
108	vugi08
109	weiqazfefefe
110	wimadarwaston-0
111	wira_1990
112	wrbanknote_9
113	yaksanagezhou
114	yangtoys
115	yoyo201598
116	yusuzain_0
117	yy_store17
118	15DIW
119	AlexandPrice

120	BaboLye
121	Beijing Zhilongxikai Shangmao Co., Ltd
122	beijingshuangjiarenliziyuanfuwuyouxiangongsi
123	Beverly H. Griffin
124	Bi Pingping
125	caiyongzhan
126	carol johnson
127	chaochijianshegongcheng
128	CNNGSS
129	Colimi Co., Ltd.
130	CouGoo
131	CubeBik LLC
132	DBQ
133	dj83rhqwfedgqsw
134	drgyhj
135	DXHSWE
136	ElizabethJBroadwell
137	eretytuiop["poi
138	ESA-loving
139	FDG W KING
140	fdsgvdfg
141	Fenideg Han
142	fGa2WbXGbmaP
143	ftmjkoiu
144	GAOBAILYI
145	Gaochangqing
146	gaozhou19923
147	GMYCY
148	GuangChangNuan US-1
149	Guigang City Green War Win Trading Company
150	Hazel C Driskell
151	henpengwanoux
152	Honesty Blessing
153	HongDaXin Shop
154	HuiHao520
155	ianglu
156	James M Mika
157	Jamie Holmes
158	JIANG JIANRONG
159	JOE COX
160	Kamcd

161	KingAnime
162	Kubaobao
163	li shao yu gosshopping
164	Li Tian Zhao
165	LiXiLianzz
166	liyanan565
167	Manywoudo
168	Meroy Fowler
169	MISTERPEN
170	Muyuqin
171	MVNTOO
172	Nacido Perfecto
173	ncunqizaz
174	nhdjhdf
175	NHP Store's
176	NicholasAnthonye
177	ONICAP
178	OOut Qiang
179	Pingyi Shunxin
180	PosterStudio
181	qingdaojinxuanmingtongqichexiaoshouyouxiangongsi
182	QingDaoZhenPengYiShuZhuangShiGongChengYouXianGong1
183	Rainbow After The Rain
184	ReneeELong
185	RobertKLyles
186	safdsdsgdf
187	SeanSCorliss
188	sergtryuiol
189	SharonJGray
190	shenzhenshizhizhendianzishangwuyouxiangongsi
191	siyumao
192	Supone
193	TaiTaoYi US
194	The Feeling Of home
195	TimelessAnime
196	tongkejifazhangongsi
197	TrueKool LLC
198	Uchenjin
199	umaogaxd
200	Vnuiuo
201	WAEUSD

202	wangyoujiang325423
203	Wobi
204	WTV S KING
205	xi an shi jing ji ji shu kai fa qu li hua bai huo
206	Xiangcheng Huaming Trading Company
207	XYDQ
208	yang jipeng
209	YD34R7BDUM
210	yihedianzi(meizhou)youxiangongsi
211	yananxian wanjianiuroutangdian
212	YOU LOOK PRETTY
213	ZDVSDS+
214	610 tow boys Store
215	ChangGong Store
216	potatotshirt Store
217	Yiwu Angjie Jewelry Co., Ltd.
218	yun xin Store